

REMARKS

I. Status Of The Claims

Claims 13-18, 20-23, 25, 27-32, 34-42, and 45-49 are pending in this Application.

Claims 13-18 are allowed.

Claims 19, 23, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (U.S. Patent Application Publication No. 2002/0107985) in view of Janik (U.S. Patent Application Publication No. 2004/0253945).

Claims 34-42 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Demello (U.S. Patent Application Publication No. 2001/0036224) and Cheng (U.S. Patent No. 6,449,488).

With this response claim 28 is amended, and claim 56 is added.

Claims 13, 28, 42, and 56 are independent.

II. Rejection of Independent Claims 28 and 42

The Office Action rejects independent claim 28 under 35 U.S.C. 103(a) in view of Hwang (U.S. Patent Application Publication No. 2002/0107985) and Janik (U.S. Patent Application Publication No. 2004/0253945), and rejects independent claim 42 under 35 U.S.C. 103(a) in view of Hwang, Demello (U.S. Patent Application Publication No. 2001/0036224), and Cheng (U.S. Patent No. 6,449,488).

Turning to independent claim 42, Applicants respectively submit that Hwang, Demello, and Cheng, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... wherein a Quality Of Service (QoS) parameter is attached to a short message in order to adjust the speed of the

delivery through the network”

as set forth in the claim (emphasis added).

The Office Action argues that such is disclosed among the abstract and column 4 line 30 – column 6 line 36 of Cheng. However, these portions of Cheng fail, for instance, to disclose, teach, or suggest any such “parameter” being “attached to a short message” and instead state:

“[o]nce the base stations have computed their broadcast schedule in step 410, each base station performs QoS allocation for each of its users (step 412) and transmits the BSMS message to each user in accordance with the broadcast schedule (stagger time periods) and the QoS allocation (step 414)”
(see Cheng col. 5 ln. 31-36).

Turning to independent claim 28, it is noted that with this response the claim is amended. No new matter has been added. In view for instance of that which is discussed above, Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose, teach, or suggest at least:

“... wherein a Quality Of Service (QoS) parameter is attached to a short message in order to adjust speed of delivery through the network”

as set forth in the claim as amended herewith (emphasis added).

In view of at least the forgoing, Applicants respectfully submit that claims 28 and 42, as well as those claims that depend therefrom, are in condition for allowance.

III. Addition of Claim 56

With this response, Applicants add additional claim 56. No new matter has been added.

Applicants respectfully submit that this additional claim is allowable over the

cited references and in condition for allowance.

CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4022. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

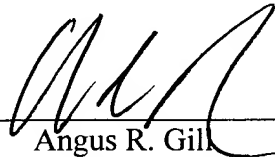
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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By:



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